**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America)
)
   Plaintiff,)   **ORDER DENYING MOTION**
)   **TO RECONSIDER ORDER**
v.)   **OF DETENTION**
)
Evan Trey Conklin,)   Case No.: 1:23-cr-00157
)
   Defendant.)

On November 7, 2023, Defendant filed a *Motion to Reconsider Order of Detention*. (Doc. No. 24). Advising that Defendant has been accepted into MHA Sober Living, he requests to be released to MHA Sober Living Lodge as the facility has a bed available.

On November 8, 2023, the United States filed a response in opposition to the Defendant's motion. (Doc. No. 25). It asserts that Defendant's criminal history and noncompliance with court orders makes Defendant a threat to the community and to himself. (Doc. No. 25). It further asserts that if Defendant resides in Parshall, he will be in close proximity to the current victim as alleged in the Indictment, for whom he has has multiple prior assault convictions. (*Id.*)

A detention hearing may be reopened "if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community." 18 U.S.C. § 3142(f)(2).

Here, the information provided by Defendant that he was accepted into MHA Sober Living is new. However, it does not address the danger or risk of flight Defendant poses or tip the balance of 18 U.S.C. § 3142(g) in favor of his release. Defendant has a lengthy and violent criminal history, and a history of noncompliance with court orders. The court is also concerned with the potential

proximity Defendant would be to the current victim if he were to reside in Parshall at the Sober

Living Lodge. Accordingly, Defendant's motion (Doc. No. 24) is **DENIED**.

IT IS SO ORDERED.

Dated this 9th day of November, 2023.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court